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defendant, without giving any warning, suddenly started his motor, which caused the usual and familiar nerve-wrecking noise made by an automobile when cranked. The horse was frightened and whirled to the left, throwing plaintiff into the ditch and seriously injuring her. The lower court, on motion, dismissed the action on the ground that the evidence showed no negligence on defendant's part. The Supreme Court of Minnesota agrees with the trial judge that defendant had a right to stop his automobile for a reasonable time to adjust it, and that the mere fact of starting it was no evidence of negligence; but this was not the negligence charged in the complaint, which alleged that the automobile was suddenly set in motion without warning to the plaintiff. The court holds that the failure to warn plaintiff of his intention to start the motor is the gist of the cause of action, and that this negligence was a question for the jury. The lower court having erred in not submitting the case to the jury, a new trial was granted.

MISCELLANY.

A Eulogy over the Jury System.—In these times when the ancient and honored jury system seems to be the butt of so much adverse criticism, the following eulogy from the Lone Star State will be welcomed by its staunch but diminishing defenders: "The institution of jury trial has, perhaps, seldom or never been fully appreciated. It has been often eulogized in sounding phrase, and often decried and derided. An occasional corrupt, or biased, or silly verdict is not enough for condemnation; and when it is said the institution interposes chances of justice and checks against venality and oppression, the measure of just praise is not filled. Its immeasurable benefits, like the perennial springs of the earth, flow from the fact that considerable portions of the communities at stated periods are called into the courts to sit as judges of contested facts, and under the ministry of the courts to apply the laws. There the constitution and principles of the civil code are discussed, explained and enforced, and the jurors return into the bosom of society instructed and enlightened, and disseminate the knowledge acquired; and do we not perceive, without farther illustration, that owing to these nurseries of jurisprudence and of the rights of man, more than to all other causes, the Anglo-Saxon race has been preeminent for free institutions and all the political, civil and social virtues that elevate mankind! Let us then preserve and transmit this mode of trial not only inviolate, but if possible, purified and perfected." *Bailey v. Haddy, Dallam (Tex.) 376, 380.*